

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

EVIN FERMAN,

Plaintiff,

v.

BECKY SCOTT ETIAL, et al.,

Defendants.

Civil Action No. 23-22559 (MCA) (JRA)

MEMORANDUM & ORDER

Plaintiff has filed a civil rights complaint and an application to proceed *in forma pauperis* ("IFP application"). (ECF Nos. 1, 1-1.) For the reasons explained below, the Court dismisses this action without prejudice as duplicative of Civ. Act. No. 24-1093.

On September 5, 2023, Plaintiff filed a civil action, Ferman v. Flores, Civ. No. 23-16067, regarding alleged inadequate medical care. The District Court dismissed that action without prejudice for failure to state a claim but provided Plaintiff with leave to amend. (Civ. Act. No. 23-16067, 1, 3-4.) On October 23, 2023, prior to the filing of this action, Plaintiff submitted a new complaint regarding his conditions of confinement at Hudson County Correctional Center and a new IFP application, both of which were docketed in Civ. No. 23-16067. (*Id.* at 5.) The District Court severed that complaint into a new case, Ferman v. Scott, Civ. No. 24-1093, granted Plaintiff's IFP application, and proceeded the new complaint. (*Id.* at 6; *see also* Civ. Act. No. 24-1093 at ECF Nos. 1-4.)

This action was docketed on November 20, 2023. (ECF No. 1.) The Complaint in this action is identical to the complaint in Civ. Act. No. 24-1093. Therefore, at this time, the Court will dismiss this action without prejudice as duplicative of Civ. Act. No. 24-1093.

IT IS, therefore, on this 14 day of May 2024,

ORDERED that for the reasons stated in this Memorandum & Order, this action is dismissed WITHOUT PREJUDICE as duplicative of Civ. Act. No. 24-1093; and it is further

ORDERED that the Clerk of the Court shall serve Plaintiff with copies of this Memorandum & Order via regular mail and mark this case as CLOSED.

A handwritten signature in black ink, appearing to read 'M. Cox Arleo', is positioned above a horizontal line.

Madeline Cox Arleo
United States District Judge